

REMARKS

Pursuant to the present amendment, claims 1, 27 and 35 have been amended. Claims 1-2, 4-9, 27-31 and 33-42 are currently under consideration in the present application. No new matter has been introduced by way of the present amendment. Support for the claim amendments submitted herein is found, among other places, in Figure 2h and page 15 of the specification.

In the Office Action, the Examiner withdrew the previous notice of allowability of claims 1, 2 and 4-9 based upon a newly discovered reference to Yu '712 (U.S. Patent No. 6,630,712). The Examiner then rejected claims 1, 2, 4-8, 27-31 and 33-42 under 35 U.S.C. § 102 as allegedly being anticipated by Yu '712. Claim 9 was rejected under 35 U.S.C. § 103 on the basis of Yu '712 and Wu (U.S. Patent No. 6,060,749). Applicants respectfully traverse the Examiner's rejections.

Pursuant to the present response, independent claims 1, 27 and 35 have been amended to recite that the device further comprises a metal silicide layer formed on at least a portion of the gate electrode. This limitation is not disclosed anywhere in the Yu '712 reference. Thus, for at least this reason, Yu '712 does not anticipate any of the pending claims. Withdrawal of the anticipation rejections is respectfully requested.

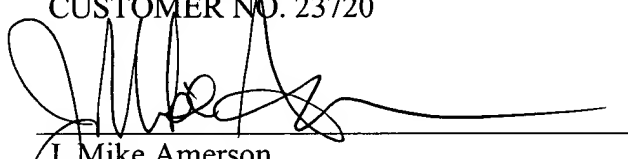
Moreover, with respect to any alleged obviousness issue, the Yu '712 patent is not prior art to the present application in the context of an obviousness analysis under 35 U.S.C. § 103. More specifically, according to MPEP § 706.02(I)(1), "effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter the claimed invention 'were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.'" The present application was filed after November 29, 1999. Furthermore, the present application and the Yu '712 patent were, at the time the present

invention was made, owned by the same entity or subject to an obligation of assignment to the same entity, namely Advanced Micro Devices. Thus, Applicants respectfully submit that the Yu '712 patent is not available as prior art in any obviousness determination. Thus, it is respectfully submitted that all pending claims are in condition for allowance.

For the aforementioned reasons, it is respectfully submitted that all pending claims are in condition for allowance. The Examiner is invited to contact the undersigned attorney at (713) 934-4055 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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